

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re AMERICAN EXPRESS FINANCIAL  
ADVISORS INC. SECURITIES LITIGATION

04-CV-1773 (DAB)

**ORAL ARGUMENT  
REQUESTED**

**PLEASE TAKE NOTICE** that, upon the Exhibit Book and Declaration of Peter K. Vigeland, dated February 4, 2005, and the accompanying Memorandum of Law in support of the Motion to Dismiss the Consolidated Complaint of American Express Company, American Express Financial Corporation, American Express Financial Advisors Inc. and James Cracchiolo, the undersigned will move this Court before the Honorable Deborah A. Batts at Room 2510, United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an order dismissing Consolidated Complaint in its entirety for failure to state a claim for pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4(b), for lack of jurisdiction over the subject matter and for failure to state a claim upon which relief can be granted, and for such relief as the Court may deem just and proper.

Dated: New York, New York  
February 4, 2005



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COPY of the foregoing mailed  
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